



PTO/SB/21 (09-04) (AW 10/2004)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	08/461,402
Filing Date	06/05/1995
First Named Inventor	Andrew Cragg
Art Unit	3731
Examiner Name	Michael H. Thaler
Attorney Docket No.	BSI-F140US

**ENCLOSURES (Check all that apply)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/Declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation,<br>Change of Correspondence<br>Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication<br>to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply<br>Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please<br>identify below): 7 pg.<br>PTO/SB/08a-08b; 35<br>references; BPAI Decision;<br>Memorandum Opinion and Final<br>Judgement U.S. District Court,<br>District of Columbia; Opinion<br>U.S. Court of Appeals for the<br>Federal Circuit; Credit Card<br>Payment Form; post card receipt |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Remarks:****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm Name	RatnerPrestia		
Signature			
Printed Name	Joshua L. Cohen		
Date	10/16/08	Registration No.	38,040

**CERTIFICATE OF TRANSMISSION / MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or Printed Name	Denise Morgan	Date	10/16/08

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Effective on 12/08/04.

Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

180.00

**Complete if Known**

Application Number	08/461,402
Filing Date	06/05/1995
First Named Inventor	Andrew Cragg
Examiner Name	Michael H. Thaler
Art Unit	3731
Attorney Docket No.	BSI-140US

**METHOD OF PAYMENT** (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, <b>except for the filing fee</b>
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	_____
Design	220	110	100	50	140	70	_____
Plant	220	110	330	165	170	85	_____
Reissue	330	165	540	270	650	325	_____
Provisional	220	110	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____ - 20 or HP = _____	x _____	= _____				
HP = highest number of total claims paid for, if greater than 20						
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
_____ - 3 or HP = _____	x _____	= _____				
HP = highest number of independent claims paid for, if greater than 3						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Submission of IDS**Fees Paid (\$)**

180.00

**SUBMITTED BY****Complete (if applicable)**

Signature <u>Joshua L. Cohen</u>	Registration No. Attorney/Agent	38,040	Telephone	610-407-0700
Name (Print/Type) Joshua L. Cohen			Date	10/16/2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL  
For FY 2008**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 180.00**Complete if Known**

Application Number	08/461,402
Filing Date	06/05/1995
First Named Inventor	Andrew Cragg
Examiner Name	Michael H. Thaler
Art Unit	3731
Attorney Docket No.	BSI-140US

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**  
☒ Charge any additional fee(s) or underpayment of fee(s) ☒ Credit any overpayments  
under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	330	165	540	270	220	110	_____
Design	220	110	100	50	140	70	_____
Plant	220	110	330	165	170	85	_____
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Provisional	220	110	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)  
Each independent claim over 3 (including Reissues)  
Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
52	26
220	110
390	195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP = _____	x _____	= _____				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP = _____	x _____	= _____				
HP = highest number of independent claims paid for, if greater than 3						

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Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)  
Other (e.g., late filing surcharge): Submission of IDS

**Fees Paid (\$)**

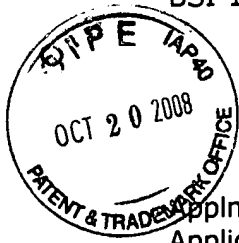
180.00

**SUBMITTED BY****Complete (if applicable)**

Signature <u>Joshua L. Cohen</u>	Registration No. Attorney/Agent	38,040	Telephone	610-407-0700
Name (Print/Type) Joshua L. Cohen			Date	10/16/2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 08/461,402  
 Applicant: Andrew Cragg  
 Filed: 06/05/1995  
 Title: BIFURCATED ENDOLUMINAL PROSTHESIS  
 TC/A.U.: 3731  
 Examiner: Michael H. Thaler

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO/SB/08a and PTO/SB/08b forms submitted herewith.

Pursuant to 37 CFR 1.98(a)(2), a copy of the following references are enclosed:

CA 2,086,333  
 CA 2,158,373  
 CA 2 144 305 C  
 EP 0 346 564 A1  
 EP 0 357 003 A2  
 EP 0 466 518  
 EP 565 251 A1  
 EP 0 645 125  
 GB 1205743  
 GB 1491202  
 GB 2269104  
 FR 1602513  
 JP H02-167178  
 JP 2-68052  
 JP H03-133446  
 JP 4-500328  
 JP H05-305092  
 JP H05-509008  
 JP H06-23031  
 JP H06-7454  
 WO 83/03752  
 WO 90/15582  
 WO 91/17789

10/20/2008 HBELETE2 00000037 00461402

01 FC:1806

180.00 0P

WO 92/06734  
WO 97/09008  
WO 98/27895

Notice of Opposition by Scimed Life Sciences, Inc. to European Patent No. 0 676 937 B

Opposition by William Cook Aps to European Patent No. 0 676 937 B

Verlag, "Interventional Radiology," pp. 692-699 (1990)

Yoshioka et al., "Self-Expanding Endovascular Graft: An Experimental Study in Dogs,"  
AJR 15: pp. 673-676 (1988)

U.S. App. 08/051,728

Official Action in Canadian Application No. 2,182,982, issued by the Canadian Intellectual  
Property Office on March 30, 2006

Notice of Reasons of Rejection of Japan Patent Office Application No. HO6-104577 dated  
May 15, 2007

Notice of Reasons of Rejection of Japan Patent Office Application No. HO6-104574 dated  
May 15, 2007

Notice of Reasons of Rejection of Japan Patent Office Application No. H04-335171 dated  
April 24, 2007

The remaining foreign references, publications and documents are not enclosed pursuant  
to 37 C.F.R. 1.98(d) because they are believed to have been previously submitted in an  
Information Disclosure Statement filed in U.S. Application No. 08/312,881, which is relied on  
for an earlier effective filing date in the present application under 35 U.S.C. § 120.

Reference FR 1602513 is not in the English language. An English language translation of  
FR 1602513 is attached to it.

The following references are not in the English language: JP HO2-167178, JP 2-68052,  
JP HO3-133446, JP 4-500328, JP HO5-305092, JP HO5-509008, JP HO6-23031, and JP HO6-  
7454. According to the Japanese Patent Office, EP 0 346 564 (provided herewith) corresponds  
to JP HO2-167178; EP 0 357 003 (provided herewith) corresponds to JP 2-68052 ; EP 0 423  
916A1 (previously submitted in this application) corresponds to JP HO3-133446; WO 90/15582  
(provided herewith) corresponds to JP 4-500328; EP 0 539 237 (previously submitted in this  
application) corresponds to JP HO5-305092; WO 91/17789 (provided herewith) corresponds to  
JP HO5-509008; EP 0 508 473 (previously submitted in this application) corresponds to JP HO6-

23031; and EP 0 565 251 (provided herewith) corresponds to JP HO6-7454. An English language Abstract is also attached to each of these references.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, their submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

Table 1, below, identifies those references that are listed on the presently submitted PTO/SB/08a/08b, that have not been submitted previously in this application, and that have been applied by the USPTO or a foreign patent office in a related application (by virtue of a common priority claim).

Table 1.

<b>Document Number</b>	<b>Date</b>	<b>Name</b>
3,357,432	12/12/1967	C.H. Sparks
3,657,744	04/25/1972	Ersek
4,545,082	10/08/1985	Hood
5,236,447	08/17/1993	Kubo et al.
5,354,308	10/11/1994	Simon et al.
5,364,354	11/15/1994	Walker et al.
5,429,144	07/04/1995	Wilk
5,443,497	08/22/1995	Venbrux
5,489,295	02/06/1996	Piplani et al.
5,507,769	04/16/1996	Marin et al.
5,562,726	10/08/1996	Chuter
5,562,728	10/08/1996	Lazarus et al.
5,571,170	11/05/1996	Palmaz et al.
5,639,278	06/17/1997	Dereume et al.
5,645,559	07/08/1997	Hachtman et al.
5,653,743	08/05/1997	Martin
5,683,448	11/04/1997	Cragg
5,725,572	03/10/1998	Lam
5,741,325	04/21/1998	Chaikof et al.
5,800,456	09/01/1998	Maeda et al.
5,824,039	10/20/1998	Piplani et al.
5,997,573	12/07/1999	Quijano et al.
6,613,073	09/02/2003	White et al.
CA 2,086,333	04/25/1991	Schneider (USA) Inc.

CA 2,158,373	10/27/1994	Pharmacyclics, Inc.
CA 2 144 305 C	02/02/1995	Cook Incorporated
EP 0 346 564 A1	12/20/1989	Medtronic, Inc.
EP 0 466 518	01/15/1992	Endovascular Tech. Inc.
EP 565 251 A1	10/13/1993	Cook Inc.
GB 2269104	02/02/1994	Taha R. Lazim
JP H02-167178	06/27/1990	Medtronic, Inc.
JP H05-305092	11/19/1993	Cook Inc.
JP H05-509008	12/16/1993	Richard Stack
JP H06-23031	02/01/1994	Endovascular Technologies, Inc.
JP H06-7454	01/18/1994	Cook Incorporated
WO 91/17789	11/28/1991	Richard Stack
WO 92/06734	04/30/1992	Ho Young Song

Table 2, below, identifies all references, including previously submitted references and references submitted herewith, that have been applied by the USPTO or a foreign patent office in an application related to the subject application (by virtue of a common priority claim). Thus, Table 2 includes among its identified references those previously listed above in Table 1.

Table 2.

<b><i>Document Number</i></b>	<b><i>Date</i></b>	<b><i>Name</i></b>
3,357,432	12/12/1967	C.H. Sparks
3,657,744	04/25/1972	Ersek
4,140,126	02/20/1979	Choudhury
4,545,082	10/08/1985	Hood
4,562,596	01/07/1986	Kornberg
4,994,071	02/19/1991	MacGregor
5,064,435	11/12/1991	Porter
5,104,404	04/14/1992	Wolff
5,135,536	08/04/1992	Hillstead
5,236,447	08/17/1993	Kubo et al.
5,304,200	04/19/1994	Spaulding
5,314,472	05/24/1994	Fontaine
5,354,308	10/11/1994	Simon et al.
5,354,309	10/11/1994	Schnepp-Pesch
5,360,443	11/01/1994	Barone
5,364,354	11/15/1994	Walker et al.

<b>Document Number</b>	<b>Date</b>	<b>Name</b>
5,366,504	11/22/1994	Anderson et al.
5,370,683	12/06/1994	Fontaine
5,387,235	02/07/1995	Chuter
5,389,106	02/14/1995	Tower
5,397,345	03/14/1995	Lazarus et al.
5,405,377	04/11/1995	Cragg
5,429,144	07/04/1995	Wilk
5,443,496	08/22/1995	Schwartz et al.
5,443,497	08/22/1995	Venbrux
5,464,449	11/07/1995	Ryan et al.
5,489,295	02/06/1996	Piplani et al.
5,507,769	04/16/1996	Marin et al.
5,562,724	10/08/1996	Vorwerk et al.
5,562,726	10/08/1996	Chuter
5,562,728	10/08/1996	Lazarus et al.
5,571,170	11/05/1996	Palmaz et al.
5,575,817	11/19/1996	Martin
5,639,278	06/17/1997	Dereume et al.
5,645,559	07/08/1997	Hachtman et al.
5,653,743	08/05/1997	Martin
5,683,448	11/04/1997	Cragg
5,725,572	03/10/1998	Lam
5,741,325	04/21/1998	Chaikof et al.
5,800,456	09/01/1998	Maeda et al.
5,824,039	10/20/1998	Piplani et al.
5,871,536	02/16/1999	Lazarus
5,997,573	12/07/1999	Quijano et al.
6,613,073	09/02/2003	White et al.
CA 2,086,333	04/25/1991	Schneider (USA) Inc.
CA 2,158,373	10/27/1994	Pharmacyclics, Inc.
CA 2 144 305 C	02/02/1995	Cook Incorporated
EP 0 346 564	12/20/1989	Medtronic, Inc.
EP 0 466 518	01/15/1992	Endovascular Tech. Inc.
EP 0 480 667	04/15/1992	Cook Incorporated
EP 0 481 365	06/22/1994	Schnepp-Pesch
EP 0 536 164	04/14/1993	Schneider (USA) Inc.
EP 0 539 237	4/28/1993	Celsa LG Societe Anonyme
EP 0 540 290	05/05/1993	Advanced Cardiovascular



<b>Document Number</b>	<b>Date</b>	<b>Name</b>
		Systems, Inc.
EP 0 556 850	08/25/1993	Endotech, LTD.
EP 0 565 251	10/13/1993	Cook Inc.
GB 2 269 104	02/02/1994	Taha R. Lazim
FR 2678508	01/08/1993	Celsa LG Societe Anonyme
DE 4 303 181	08/11/1994	Angiomed AG(DE)
JP H02-167178	06/27/1990	Medtronic, Inc.
JP 4-25755		
JP H05-305092	11/19/1993	Cook Inc.
JP H05-509008	12/16/1993	Richard Stack
JP H06-23031	02/01/1994	Endovascular Technologies, Inc.
JP H06-7454	01/18/1994	Cook Incorporated
WO 91/17789	11/28/1991	Richard Stack
WO 92/00043	01/09/1992	Schneider (USA) Inc.
WO 92/06734	04/30/1992	Ho Young Song
WO 93/13825	07/22/1993	Munehiro Maeda et al.

Applicants would also like to direct the Examiner's attention to the related applications and patents listed in Table 3, below. In light of the proscription against double patenting, the contents of these applications and patents may be "material" to the Examiner's consideration.

Table 3.

<b>Application</b>	<b>Date Filed</b>	<b>Patent No. or Publication No.</b>	<b>Applicant(s) Name</b>
08/312,881	9/27/1994	pending	Goicoechea et al.
08/315,763	10/4/94	5,609,627	Goicoechea et al.
08/461,513	6/5/1995	5,716,365	Goicoechea et al.
08/461,514	6/5/1995	5,693,086	Goicoechea et al.
08/462,272	6/5/1995	5,776,180	Goicoechea et al.
08/463,981	6/5/1995	5,800,508	Goicoechea et al.
08/463,987	6/5/1995	pending	Goicoechea et al.
08/463,991	6/5/1995	5,718,724	Goicoechea et al.
08/465,653	6/5/1995	5,683,450	Goicoechea et al.
08/662,484	6/13/1996	5,916,263	Goicoechea et al.
08/960,282	10/29/1997	6,051,020	Goicoechea et al.

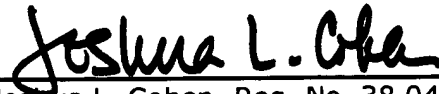
<b><i>Application</i></b>	<b><i>Date Filed</i></b>	<b><i>Patent No. or Publication No.</i></b>	<b><i>Applicant(s) Name</i></b>
08/961,548	10/30/1997	5,938,696	Goicoechea et al.
09/020,749	2/9/1998	6,117,167	Goicoechea et al.
09/313,593	5/18/1999	6,302,906	Goicoechea et al.
09/317,102	5/21/1999	6,165,213	Goicoechea et al.
09/387,696	8/31/1999	Pending	Goicoechea et al.
09/427,310	10/26/1999	Pending	Goicoechea et al.
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Finally, with respect to Applicants' claim of priority, Applicants would like to direct the Examiner's attention to the decision of the Board of Patent Appeals and Interferences (BPAI), dated July 27, 2001, in Interference No. 104,192; the Memorandum Opinion and Final Judgment of the United States District Court for the District of Columbia dated March 31, 2006 (Civil Action No. 01 CV 2015); and the Opinion of the U.S. Court of Appeals for the Federal Circuit in No. 2006-1434 dated August 8, 2007. Copies of the BPAI decision, the Memorandum Opinion, the Final Judgment, and the Federal Circuit Opinion are attached.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

More than three months have elapsed since the filing of the above-referenced application and a first (non-Final) Official Action has been received. No Final Action or Notice of Allowance has yet been received and it is presumed that none has yet been mailed. Accordingly, the required fee set forth in 37 C.F.R. § 1.17(p) is provided herewith.

Respectfully submitted,



Joshua L. Cohen, Reg. No. 38,040  
Stanley Weinberg, Reg. No. 25,276

Enclosures: PTO Forms SB/08a and SB/08b  
Transmittal Form  
35 References  
BPAI Decision, Interference No. 104,192  
Memorandum Opinion and Final Judgment U.S. District Court, District of Columbia,  
Opinion U.S. Court of Appeals for the Federal Circuit

Dated: October 16, 2008

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

October 16, 2008

